

1 **BYLAWS OF THE FAIRFAX COUNTY**
2 **ENVIRONMENTAL QUALITY ADVISORY COUNCIL**

3
4
5 Draft of November 2023
6 (Showing changes agreed to at November 8, 2023 EQAC meeting)
7

8 **ARTICLE I – NAME**

9
10 The name of this organization is the Fairfax County Environmental Quality Advisory
11 Council, hereinafter referred to as “EQAC.”
12

13 **ARTICLE III – MISSION**

14
15 The mission of EQAC is to advise or appear as an advocate on matters affecting the
16 quality of the physical environment of the County before the Board of Supervisors, the
17 County Executive, and other County and County-related agencies and EQAC shall have
18 direct access to the Board of Supervisors and the County Executive.
19

20
21 **ARTICLE III – PURPOSE**

22
23 EQAC has been established by the Board of Supervisors of Fairfax County, Virginia
24 (“Board of Supervisors”), pursuant to Virginia law for the purposes of:
25

- 26 A. ~~Evaluating~~~~Determining through study on a continuing basis,~~ the quality of the
27 physical environment of the County and the forces or actions which affect, or
28 could affect such quality; and
29 B. Reporting its findings thereon, and proposing policies and actions thereto to the
30 Board of Supervisors and the County Executive; and
31 C. Providing a channel within which all aspects of County environmental quality
32 may be brought together for common understanding and consideration; and
33 D. Providing a means by which attention may be directed toward resolution of
34 environmental quality matters which merit particular attention or which require
35 timely County action; and
36 E. Providing ~~a means of communication~~ between ~~the~~ public and private sectors ~~to~~
37 ~~communicate~~ on matters of County environmental quality; and
38 F. Promoting an awareness of County environmental quality and the forces which
39 affect it, and recognition of ~~superior~~ accomplishments in ~~achieving~~ improving
40 ~~harmony between human activities and the physical~~ environment; and
41 G. Acting as the advocate of preserving, protecting and enhancing the physical
42 environment in matters under consideration by the Board of Supervisors, the
43 Planning Commission, the Board of Zoning Appeals, the School Board, ~~the Park~~
44 ~~Authority,~~ and all County and County-related agencies.
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46 ~~While the County and County related agencies are encouraged to cooperate with the~~
47 ~~Council, it is not intended that such agencies be required to allocate effort and other~~
48 ~~resources to the Council, where these resources are required in the discharge of assigned~~
49 ~~agency responsibilities.~~

50
51 These bylaws are effective as of [insert date of these bylaws' adoption by the Board of
52 Supervisors].

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55 **~~ARTICLE III – MISSION~~**

56
57 ~~The mission of EQAC is to advise or appear as an advocate on matters affecting the~~
58 ~~quality of the physical environment of the County before the Board of Supervisors, the~~
59 ~~County Executive, and other County and County related agencies and EQAC shall have~~
60 ~~direct access to the Board of Supervisors and the County Executive.~~

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63 **ARTICLE IV – MEMBERSHIP AND TERM OF OFFICE**

64
65 Appointments. EQAC shall be composed of fourteen (14) members appointed by the
66 Boards of Supervisors for staggered terms of three years, except that one member shall be
67 a County student appointed for a term of one year beginning on July 1 and ending on
68 June 30 of the following year. One member shall be selected from each Magisterial
69 District of the County and four members shall be selected at-large from the County.
70 Magisterial district members will be nominated by the District Supervisor and must live
71 in the district they represent. The at-large members will be nominated by the Chair of the
72 Board of Supervisors and must be Fairfax County residents. All members appointed shall
73 have an interest in preserving, protecting, and enhancing the physical environment of the
74 County.

75
76 Resignations and Vacancies. In the event a member cannot serve or resigns from office,
77 then the Chairperson or the County staff coordinator shall advise the Clerk for the Board
78 of Supervisors of the vacancy in writing.

79
80 Holdovers. In the event a member completes their term of office, remains qualified to
81 serve as a member, and the Board of Supervisors has not reappointed that member to
82 another term or appointed a successor member, then that person may continue to serve
83 until such time as the member is reappointed or a successor member is appointed.

84
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86 **ARTICLE V – OFFICERS AND THEIR DUTIES**

87
88 Elections. EQAC shall be served by two officers: a Chairperson and a Vice-Chairperson.
89 The Chairperson shall be elected in accordance with the voting provisions of Article VI
90 by EQAC members annually and such election shall be scheduled at the first meeting of
91 each calendar year. Two months prior to the election meeting, a slate of candidates shall

92 be nominated during a meeting held pursuant to Article VI. After nomination, each
93 candidate shall be polled on their willingness and ability to serve as Chairperson of
94 EQAC. At the election meeting, the Chairperson shall be elected from among the willing
95 nominees in accordance with the voting provisions of Article VI. At the meeting,
96 immediately following the election of the Chairperson, the Chairperson shall nominate
97 the Vice-Chairperson. After nomination, ~~the each~~ candidate shall be polled on their
98 willingness and ability to serve as the Vice-Chairperson of EQAC. The Vice-
99 Chairperson shall then be elected ~~from among the willing nominees~~ in accordance with
100 the voting provisions of Article VI.

101
102 Chairperson. The Chairperson presides over meetings of EQAC and is eligible to vote at
103 all times. The Chairperson has the authority to delegate appropriate functions to EQAC
104 members and to request assistance from the County staff supporting EQAC.

105
106 Vice-Chairperson. In the absence of the Chairperson at a meeting, the Vice-Chairperson
107 shall perform the duties and exercise the powers of the Chairperson. In the event that
108 neither the Chairperson nor the Vice-Chairperson is available, the member present with
109 the longest tenure on EQAC shall act as Chairperson.

110
111 Replacement Officers. If an office becomes vacant for any reason, it shall be filled by an
112 election at the next regular meeting having a majority of members present. The newly
113 elected officer shall complete the unexpired term of the officer succeeded. Prior to the
114 election of any replacement officer, all members shall be provided with notice of the
115 proposed election before the meeting at which the replacement is elected.

116 117 118 **ARTICLE VI – MEETINGS**

119
120 VFOIA. All meetings shall be open to the public except as provided under the Virginia
121 Freedom of Information Act, Virginia Code § 2.2-3700 *et seq.*, as amended ("VFOIA").
122 "Meeting" or "meetings" means the meetings including work sessions, when sitting
123 physically, or through electronic communication means pursuant to the VFOIA or other
124 applicable Virginia law, as a body or entity, or as an informal assemblage of (i) as many
125 as three members or (ii) a quorum, if less than three, of the constituent membership,
126 wherever held, with or without minutes being taken, whether or not votes are cast, of any
127 public body. EQAC shall hold public comment at least once a year and may report its
128 findings to the Board of Supervisors on EQAC issues that affect the public interest.

129
130 Notice and Agenda. Notice and the agenda of all meetings shall be provided as required
131 under the VFOIA. All meetings shall be preceded by properly posted notice stating the
132 date, time, and location of each meeting. Notice of a meeting shall be given at least three
133 working days prior to the meeting. Notice of emergency meetings, reasonable under the
134 circumstances, shall be given contemporaneously with the notice provided to EQAC
135 members. Notices of all meetings shall be provided to the Office of Public Affairs for
136 posting at the Government Center and on the County Web site. All in person and remote
137 participation meetings shall be conducted in public places that are accessible to persons

138 with disabilities. Public access via electronic communications must be provided for all-
139 virtual public meetings.

140

141 Frequency. EQAC shall meet monthly or as determined by the Chairperson. Meetings
142 shall be held at a time agreed to by a majority of the EQAC's members, and at a place
143 arranged by the staff of the supporting County department.

144

145 Voting. A quorum is necessary for a vote. A majority of the membership of EQAC shall
146 constitute a quorum. In making any recommendations, adopting any plan, or approving
147 any proposal, action shall be taken by a majority vote of EQAC members present and
148 voting. Upon the request of any member, the vote of each member on any issue shall be
149 recorded in the minutes. All votes of EQAC members shall be taken during a public
150 meeting, and no vote shall be taken by secret or written ballot or by proxy.

151

152 Conduct. Except as otherwise provided by Virginia law or these bylaws, all meetings
153 shall be conducted in accordance with *Robert's Rules of Order, Newly Revised*, and
154 except as specifically authorized by the VFOIA, no meeting shall be conducted through
155 telephonic, video, electronic, or other communication means where the members are not
156 all physically assembled to discuss or transact public business.

157

158 Public Access. For any meeting, at least one copy of the agenda, all agenda packets, and,
159 unless exempt under the VFOIA, all materials furnished to EQAC members shall be
160 made available for public inspection at the same time such documents are furnished to
161 EQAC members. Pursuant to the VFOIA, any person may photograph, film, record, or
162 otherwise reproduce any portion of a meeting required to be open, but such actions may
163 not interfere with any EQAC proceedings.

164

165 Records. The Chairperson or an appointed representative shall ensure that minutes of
166 meetings are recorded as required under the VFOIA. Minutes shall include: (1) the date,
167 time, and location of each meeting; (2) the members present and absent; (3) a summary of
168 the discussion on matters proposed, deliberated, or decided; and (4) a record of any votes
169 taken. Such minutes are public records and subject to inspection and copying by citizens
170 of the Commonwealth or by members of the news media. The supporting County
171 department shall provide staff support to confirm that the records and minutes of the
172 meeting comply with VFOIA.

173

174 Attorney-Client Privilege. Records containing legal advice from counsel to EQAC, and
175 advice provided in closed session by legal counsel to EQAC, are protected by the
176 attorney-client privilege and from disclosure under the VFOIA. Any such records or
177 advice should not be disclosed by members of EQAC to any third party, or the privilege
178 against disclosure may be waived. Questions regarding the handling of records or advice
179 subject to attorney-client privilege should be directed to the EQAC's legal counsel.

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182 **ARTICLE VII - ATTENDANCE AND PARTICIPATION**

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184 Any EQAC member who misses three consecutive meetings or more than half of the
185 scheduled meetings within a 12-month period, or who fails to participate in the work of
186 EQAC without good cause acceptable to a majority of the other EQAC members may be
187 subject to removal from EQAC.
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189

190 **ARTICLE VIII - REMOVAL**

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192 Any EQAC member(s) may be recommended to the Board of Supervisors for removal
193 from EQAC for cause, including but not limited to cause as set forth in Article VII, by a
194 two-thirds majority vote of all EQAC members. The members' authority to recommend
195 removal under these bylaws neither limits nor waives the Board of Supervisors' authority
196 to remove members from EQAC as provided by law.
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200 **ARTICLE IX – COMMITTEES**

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202 Standing. The Chairperson may appoint standing committees and a chairperson for each
203 with the consent of a majority of EQAC members present and voting.

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205 Special. The Chairperson may appoint special committees and a chairperson for each
206 with the consent of a majority of EQAC members present and voting.

207

208 All meetings of any such committees shall comply with the notice and other requirements
209 of the VFOIA. To the extent practicable, any such committees shall be composed of at
210 least four members. Committee meetings may be held at the call of the Chairperson or at
211 the request of two members, with notice to all members.

212

213 Comment: This Article permits the creation of committees, but it encourages all such committees to have
214 at least four members. The reason for this is that if there is a committee with only two or three members,
215 then those persons could not meet or communicate by telephone without triggering the notice requirements
216 of VFOIA. Having committees of at least four members will allow any two members to communicate. A
217 meeting of three or more members of any committee with more than three members would be a public
218 meeting that would require notice and public access.

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221 **ARTICLE X – ANNUAL REPORT**

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223 EQAC shall prepare an annual Environmental Quality Report which shall include but not
224 be limited to:

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- A. Findings on the status of the physical environment of the County.
- B. Evaluations of existing efforts to achieve and maintain or improve environmental quality in the County.
- C. Proposed policies or programs which are designed to assist in further improvement of the environmental quality in the County, including the relative priority of each such proposal.

231
232 This report shall be provided to the Clerk to the Board of Supervisors for distribution to
233 the members of the Board of Supervisors and to the County Executive.
234

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236 **ARTICLE XI – COMPLIANCE WITH LAW AND COUNTY POLICY**
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238 EQAC shall comply with all Virginia laws, including, but not limited to, the VFOIA, and
239 the Virginia State and Local Government Conflict of Interests Act, Virginia Code § 2.2-
240 3100 *et seq.*, as amended, with all County ordinances, and with all County policies
241 concerning the activities of its boards, authorities, and commissions. In case of a conflict
242 between a provision of these bylaws and any applicable ordinance or law, the provisions
243 of the applicable ordinance or law, as the case may be, shall control.
244

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246 **ARTICLE XII– AMENDMENT OF BYLAWS**
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248 These bylaws may be amended by EQAC by adopting the proposed amendment or
249 amendments and by presenting those proposed changes for approval to the Board of
250 Supervisors. Any such amendments to bylaws shall become effective upon approval by
251 the Board of Supervisors.
252

253
254 These bylaws were approved by the Board of Supervisors on [Enter Date]
255

256
257 GIVEN under my hand this ____ day of _____, [YEAR].
258

259
260
261
262 _____
263 Jill G. Cooper
264 Clerk for the Board of Supervisors
Department of Clerk Services